

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

104 S. DIVISION ST LLC ET AL,

Plaintiffs,
-against-

CITY OF PEEKSKILL ET AL,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: **01/04/2024**

No. 22 Civ. 9009 (NSR)

ORDER

NELSON S. ROMÁN, United States District Judge:

On October 22, 2022, Plaintiffs 104 S. Division St LLC, Avrum Chaim Lebrecht, and Shia Lebrecht commenced this action against Defendants City of Peekskill, Thomas Leonard, and Nicholas Cecere for constitutional violations pursuant to 42 U.S.C. § 1983 and violations of New York's Human Rights Laws. (ECF No. 1.) After Defendants failed to file an appearance or responsive pleading, the Clerk of the Court entered a Certificate of Default on February 7, 2023. (ECF No. 15.)

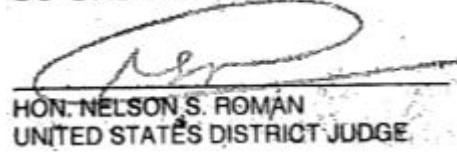
On October 16, 2023, the Court issued an Order to Show Cause as to why default judgment should not be granted in favor of the Plaintiffs. (ECF No. 28.) On November 27, 2023, Defendants filed a brief in opposition to Plaintiffs' motion for default judgment, and on December 12, 2023, Plaintiffs filed their Reply. (ECF Nos. 33-37.) The show cause hearing was held on January 4, 2024.

In light of Plaintiffs having informed the Court of their intention to file an Amended Complaint, the Court DENIES Plaintiffs' Order to Show Cause for Default Judgment as moot. Plaintiffs are directed to file an Amended Complaint on or before February 5, 2024. Defendants are directed to file a letter informing the Court of its intention to file an answer or a motion on or before February 20, 2024.

The Court of the Clerk is directed to vacate the Certificate of Default (ECF No. 15).

Dated: January 4, 2024
White Plains, NY

SO ORDERED:


HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE